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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,939	06/27/2000	Marco A. DeMello	MSFT-0186/154572.1	5227
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WOODCOCK WASHBURN LLP ONE LIBERTY PLACE - 46TH FLOOR PHILADELPHIA, PA 19103			ZHEN, LI B	
			ART UNIT	PAPER NUMBER
			2126	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/604,939

Applicant(s)

DEMELLO ET AL.

Examiner

Li B. Zhen

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-28 and 37-44 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 14-28 and 37-44 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/12/2004.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 14 – 28 and 37 – 44 are pending in the application. Claims 1 – 13 and 29 – 36 are cancelled.

Drawings

2. Drawings filed on July 28, 2004 are objected to by the draftsman under 37 CFR 1.84 or 1.152 for the reasons indicated on Form PTO-948 included as an attachment to this paper.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 14 – 19, 21 – 28 and 37 – 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent NO. 6,718,361 to Basani in view of U.S. Patent Application Publication NO. 2002/0002611 to Vange.**

5. As to claim 14, Basani teaches the invention substantially as claimed including a system for providing a content item [apparatus for efficient and reliable control and distribution of data files; col. 4, lines 60 – 67], the system comprising:

a plurality of download servers [servers 26, 28 constituting elected group leaders 30 for distributing content or content changes to distribution agents 32, 34 in each cluster 24, Fig. 1; col. 8, lines 20 – 36], wherein each download server receives a

Art Unit: 2126

request for the content item [users can begin to access the updated content from any of the servers 26, 28. User access to content on a given server can be efficiently managed, according to service level agreements; col. 8, lines 20 – 37], each of the download servers having:

- a cache which stores the content item [a list of files currently contained in each network cache 617 on each network segment; col. 20, lines 35 – 52]; and

- a first object [elected group leaders 30 for distributing content or content changes, Fig. 1; col. 8, lines 20 – 38] which receives a first message to invalidate the content item in the cache [CCM and/or GL will send invalidation messages to the cache on each network segment; col. 20, lines 35 – 52] and which invalidates the content item in the cache in response to receipt of the first message [When a content update occurs, the list of files contained in the cache will be compared, and new content will be automatically distributed to the network cache. This guarantees that content being served from network caches is always up to date and fresh; col. 37 – 54]; and

- a fulfillment server [distribution server 16, Fig. 1; col. 8, lines 20 – 38] having:

- a content store which stores the content item [Content is then turned over to the centralized Content Control Manager (CCM) 18, running on the distribution server 16; col. 8, lines 45 – 60]; and

- a first database which stores information relating to the content item [database 22 is a centralized repository for storing configuration information, policies, job information, status logs, snapshots and checkpoints; col. 9, lines 45 – 54]; and

a second object [CCM] which receives a notification [CCM contains an assignment creator and manager 44 which responds to scheduler job requests to initiate a distribution job; col. 12, lines 43 – 55] that the information in the first database has been updated or deleted [Administrative inputs for the content mover 18 are...stored in the database 22....Content Update job is defined as the collection of information that defines what content is to be updated, where it is to be distributed to, when and how often it is distributed, and what policies/rules apply; col. 9, lines 13 – 45], and which generates, in response to the notification, the first message [invalidation messages] for dispatch to the plurality of download servers [CCM and/or GL will send invalidation messages to the cache on each network segment; col. 20, lines 35 – 52].

6. Although Basani clearly teaches download server for storing content items [servers 26, 28 constituting elected group leaders 30 for distributing content or content changes, Fig. 1; col. 8, lines 20 – 36] and caches [a list of files currently contained in each network cache 617 on each network segment; col. 20, lines 35 – 52], Basani does not specifically teach each download server containing a cache.

However, Vange teaches a content distribution system [a web site delivery system in which a plurality of front-end web servers and back-end web servers cooperate to deliver content and services of the web site; paragraph (0026), p. 3] that includes download servers [front-end 201; paragraph (0066), p. 7 – 8] that each contain a cache [caching mechanism 403, Fig. 5; paragraph (0070), p. 8].

7. It would have been obvious to a person of ordinarily skilled in the art at the time of the invention to apply the teaching of including a cache in each download server as

Art Unit: 2126

taught by Vange to the invention of Basani because a cache provides fast content retrieval by storing frequently and/or recently accessed web pages or network resources that are anticipated to be accessed [paragraph (0070); p. 8 of Vange].

8. As to claim 15, Basani as modified teaches the fulfillment server further includes a second database which stores a log of events [status logs] occurring on the plurality of download servers [database 22 is a centralized repository for storing configuration information, policies, job information, status logs; col. 9, lines 45 – 55 of Basani], wherein each of the plurality of download servers generates a second message for dispatch to the fulfillment server in response to the events [Each server then sends its report to the GL, the-GLs send their own reports to the CCM, and the commit status reports are processed and logged by the CCM; col. 20, lines 2 – 15 of Basani], and the second object receives the second message and logs the events in the second database [CCM updates the database for every report received; col. 20, lines 3 – 15 of Basani].

9. As to claim 16, Basani as modified teaches the events include the downloading of the content item to a purchaser of the content item [invention also dovetails with existing performance-oriented products so that service-level reporting can be generated; col. 7, lines 25 – 60 of Basani].

Art Unit: 2126

10. As to claim 17, Basani as modified teaches the content item is sold by a retailer for download by one of the plurality of download servers [Some packets will comprise data that need be supplied to web server 210 (e.g., customer credit information, form data and the like); paragraph (0071), p. 8 of Vange], and wherein the first database further stores information relating to the retailer [CCM updates the database used for tracking network status, and updates the list of members that are available to participate in the content groups; col. 15, lines 18 – 49 of Basani].

11. As to claim 18, Basani as modified teaches the plurality of download servers is hosted by the retailer [web site is owned by the content provider such as an e-commerce vendor whereas a web server refers to set of programs running on one or more machines coupled to an Internet, intranet, or other network node. The web site 210 may be hosted on the site owner's own web server, or hosted on a web server owned by a third party; paragraph (0039), p. 4 – 5 of Vange].

12. As to claim 19, Basani as modified teaches the download servers provide the content item for durable storage on one or more computing devices associated with consumers of the content item [digitized information files such as text, photos, videos, voice, or interactive games can be more efficiently managed and more efficiently accessed by content users of the Internet if the content is intelligently placed on a large number of distributed sites. Two distributed sites 24A, 24B are illustrated, each containing a number of file servers 26, 28; col. 8, lines 37 – 45 of Basani].

13. As to claim 21, Basani as modified teaches a plurality of servers to distribute a content item [apparatus for efficient and reliable control and distribution of data files; col. 4, lines 60 – 67 of Basani], the method comprising the acts of:

receiving, at a first of the plurality of servers from a first computing device [servers 26, 28 constituting elected group leaders 30 for distributing content or content changes to distribution agents 32, 34 in each cluster 24, Fig. 1; col. 8, lines 20 – 36 of Basani], a request for the content item [users can begin to access the updated content from any of the servers 26, 28. User access to content on a given server can be efficiently managed, according to service level agreements; col. 8, lines 20 – 37 of Basani], the first server having a first cache [caching mechanism 403, Fig. 5; paragraph (0070), p. 8 of Vange];

determining that no valid copy of the content item exists in the first cache [When the requested data is not within cache 403; paragraph (0070) and (0071), p. 8 of Vange];

obtaining the content item at the first server from a content store [When the requested data is not within cache 403, a request is processed to web server 210; paragraph (0070) and (0071), p. 8 of Vange];

providing the content item to the first computing device [When the requested data is not within cache 403, a request is processed to web server 210, and the returned data may be stored in cache 403; paragraph (0070) and (0071), p. 8 of Vange];

storing the content item in the first cache [the returned data may be stored in cache 403; paragraph (0070) and (0071), p. 8 of Vange];

receiving, at a fulfillment server [distribution server 16, Fig. 1; col. 8, lines 20 – 38 of Basani], a change to an attribute of the content item [Administrative inputs for the content mover 18 are...stored in the database 22....Content Update job is defined as the collection of information that defines what content is to be updated, where it is to be distributed to, when and how often it is distributed, and what policies/rules apply; col. 9, lines 13 – 45 of Basani], said attribute being stored at said fulfillment server [individual components illustrated as being implemented within the distribution server 18, in FIG. 2, such as the GUI 64, logger 66, scheduler 60, database manager 68, and database 22; col. 20, line 64 – col. 21, line 3 of Basani];

the fulfillment server sending a notification to the plurality of servers in response to the change [CCM and/or GL will send invalidation messages to the cache on each network segment; col. 20, lines 35 – 52 of Basani]; and

the first server invalidating the copy of the content item in the first cache [When a content update occurs, the list of files contained in the cache will be compared, and new content will be automatically distributed to the network cache. This guarantees that content being served from network caches is always up to date and fresh; col. 37 – 54 of Basani] in response to the notification [CCM and/or GL will send invalidation messages to the cache on each network segment; col. 20, lines 35 – 52 of Basani].

Art Unit: 2126

14. As to claim 22, Basani as modified teaches a store-and-forward messaging facility [store-and-forward distribution using a tree; col. 17, lines 10 – 45 of Basani].

15. As to claim 23, Basani as modified teaches the change comprises a change in a physical location of the content item [domain:address mappings within the DNS system are modified; paragraph (0063), p. 7 of Vange].

16. As to claim 24, Basani as modified teaches the change comprises a change in a level of protection to be applied to the content item [CCM then communicates with other management services to obtain information about the task details and policy settings of the job; col. 10, lines 35 – 52 of Basani].

17. As to claim 25, Basani as modified teaches encrypted content [Encryption provides data privacy and hash provides for delivery integrity; col. 10, lines 50 – 65 of Basani], and a first cryptographic key which decrypts the encrypted content [a symmetric key cipher such as Data Encryption Standard (DES); col. 10, lines 50 – 65 of Basani].

18. As to claim 26, Basani as modified teaches metadata, wherein the first cryptographic key is sealed with the meta-data [entire assignment file, or an updated file component of an assignment can be hashed and encrypted according to user policies

Art Unit: 2126

and implemented in the CCM, GLs, and BESs, by means that are known in the art, such as MD5 or SHA1 hash; col. 10, lines 50 – 65 of Basani].

19. As to claim 27, Basani as modified teaches the encrypted content is stored in the cache separately from the first cryptographic key [assignment file, or an updated file component of an assignment can be hashed and encrypted according to user policies and implemented in the CCM, GLs, and BESs, by means that are known in the art, such as MD5 or SHA1 hash and a symmetric key cipher such as Data Encryption Standard (DES); col. 10, lines 50 – 65 of Basani].

20. As to claim 28, Basani as modified teaches the change comprises a change in the meta-data of the content item [assignment message contains instructions for creating, moving/copying, removing, or modifying directories or file content on remote servers, including parameters for any required compression and encryption; col. 5, lines 55 – 67 of Basani].

21. As to claims 37 – 44, these are product claims that correspond to method claims 21 – 28; note the rejections to claims 21 – 28 above, which also meet these product claims.

Art Unit: 2126

22. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Basani as modified by Vange further in view of U.S. Patent NO. 6,425,017 to Dievendorff [cited in the previous office action].

23. As to claim 20, Basani as modified does not specifically teach MSMQ independent clients.

24. However, Dievendorff teaches MSMQ independent clients [client's method invocations with their call parameters and associated data into messages, and also uses a messaging queuing API (such as, the "Microsoft Message Queue" or "MSMQ") to place the messages in a method invocations message queue 158; col. 12, line 55 – col. 13, line 15].

25. It would have been obvious to a person of ordinarily skilled in the art at the time of the invention to apply the teaching of MSMQ independent clients as taught by Dievendorff to the invention of Basani as modified because this allows a client to continue execution asynchronously from a invoked method by automatically queuing the method invocation, and issue the queued method invocation to the object at a potentially later time [col. 5, lines 1 - 17 of Dievendorff].

Response to Arguments

26. Applicant's arguments filed 10/12/2004 have been fully considered but they are not persuasive.

In response to the Non-Final Office action dated 4/28/2004, applicant argues that Figure 1 of Basani shows that database 22 as being separate from distribution server 16; therefore, the teachings of Basani do not meet the structure recited in claims 14, 21 and 37 [p. 14, lines 10 – 14 and 24 – 28]. Examiner respectfully disagrees and submits that database 22 is part of the distribution server. For example, Basani teaches [col. 20, line 60 – col. 21, line 3] that most, if not all, of the individual components illustrated as being implemented within the distribution server 18, in FIG. 2, such as the GUI 64, logger 66, scheduler 60, database manager 68, and database 22, can each be implemented in a distributed fashion across multiple computers connected via a communication network [emphasis added]. Clearly, Basani teaches that database 22 is part of the distribution server. In fact, Basani teaches that the database can be implemented as part of the distribution server [individual components illustrated as being implemented within the distribution server...such as the...database 22] or separate from the distribution server [can each be implemented in a distributed fashion across multiple computers connected via a communication network]. Therefore, the distribution server of Basani is equivalent to the fulfillment server of the present application as brought out in the claims.

Conclusion

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The new limitation "said attribute being stored at said fulfillment server" recited in claims 21 and 37 necessitated the new grounds of rejection for claims

21 and 37. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (571) 272-3768. The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2126

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Li B. Zhen
Examiner
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